

Attachment to Independent Case Review Report  
For CDRU # 6297 Case file # 95-249356.

Material Examiner: Malone (RQ0

Remarks:

Case resulted in a guilty plea, no testimony transcript.

CRM 806

## INDEPENDENT CASE REVIEW REPORT

Independent Review conducted by: Cary T. Oien

Area(s) of Expertise: Wood

Review commenced at: 9:07 am (Time), 5/22/03 (Date)

File #: 95-249356

Laboratory #(s): 20505036 S RQ  
\_\_\_\_\_  
\_\_\_\_\_

### Examiner(s) & Symbols

	Reviewed	Not Reviewed		Reviewed	Not Reviewed
RQ	X <input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

### Materials Reviewed

Trial testimony transcript(s) of: N/A

Testimony Date(s): \_\_\_\_\_ Pages: \_\_\_\_\_

### Laboratory Report(s):

Laboratory Number: 20505036 S RQ Date: June 9, 1982

Laboratory Number: \_\_\_\_\_ Date: \_\_\_\_\_

Laboratory Number: \_\_\_\_\_ Date: \_\_\_\_\_

Examiner Bench Notes of: RQ

Laboratory Number: 20505036 S RQ  
\_\_\_\_\_  
\_\_\_\_\_

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Was any other material reviewed? ☐ Yes

☒ No

If yes, please identify and/or describe the material: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Results of Review

File #: 95-249356

Item or Specimen # Reviewed: Q1 and K1

#### Review of Laboratory Report(s) and Bench Notes:

**Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses**

- 1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?  
☐ Yes    ☒ No    ☐ Unable to Determine
- 2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes?  
☐ Yes    ☒ No    ☐ Unable to Determine

#### Review of Testimony:

**Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses**

☒ Transcript not available.

- 3) Testimony consistent with the laboratory report(s)?    ☐ Yes    ☐ No    ☐ Unable to Determine
- 4) Testimony consistent with the bench notes?    ☐ Yes    ☐ No    ☐ Unable to Determine
- 5) Testimony within bounds of examiner's expertise?    ☐ Yes    ☐ No    ☐ Unable to Determine

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### Comments

(Set forth by above question #, if applicable.  
Use "Additional Comments" Sheet, if needed)

File #: 95-249356

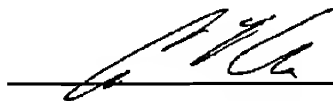
1. The comparison and identification of bark is not a scientifically valid analysis. The identification of the K1 sample may have been possible, as both vines and leaves were present in the sample. However, the Q1 sample consisted only of bark (based on the notes), and an identification of the species of wood is not valid using only bark. It seems the comparison was based on "...all observable characteristics." as referenced in the report. It is my opinion that this was not a valid comparison.

2. There are no notes regarding the microscopic characteristics of specimen K1, and the only macroscopic characteristic cited is color. A copy of reference material is included in the notes taken from "Selected Weeds of the United States". The notes do not provide any information that allow the identification to be made. For specimen Q1, the only notes refer to the color of the bark, which is not sufficient to make the stated association.

Review completed at: 10:04 (Time), 5/22 /03 (Date)

Total time spent conducting review (to nearest 1/4 hour): 60 minutes

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 3 pages.



(Signature)

5/22/03

(Date)

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